

**FINAL**  
**Town of Wallingford, VT Development Review Board (DRB)**

**Application #23-07:** Build a new house within 30 feet of property setbacks.

**Applicant:** Christopher & Allyssa Williams 402 Middle Rd., N. Clarendon, VT 05701

**Phone:** 802-498-4170

**Property Owner:** Same as above

**Subject Property Location:** 857 West Hill Rd., Wallingford, VT 05773

**Town Parcel:** 0050857

**INTRODUCTION**

The Zoning Administrator (ZA) received the initial application which was reviewed on 13 February 2023. Per Articles VI and V of Wallingford Zoning Regulations (effective Sept. 2015), the ZA determined that the application required DRB review and was denied/referred to the Appropriate Municipal Panel on 13 February 2023. The Applicant, Property Owner, and abutting property owners were notified (documented by Certificate of Mailing) of this application and that a Public Hearing was scheduled for 7:00PM on 9 March 2023, at Town Offices, 75 School St. Wallingford Village. Public Notice was also given by Rutland Herald notice on 23 February 2023, and in two other public buildings.

Due to not all the Property Abutters being notified properly the 9 March meeting was postponed. Accordingly, a Public Hearing was rescheduled convened by the DRB for 7:00 pm on 5 April 2023. The abutting property owners were notified by certified mail of the rescheduling, Public Notice was printed by the Rutland Herald on 17 March 2023, and the rescheduled date was posted on the Town website.

The 5 April meeting was convened with a quorum of Members attending. The Zoning Administrator, Applicants Christopher and Alyssa Williams and Interested party Frank O'Classen were in attendance.

Board member Jason Stone and Jeff Biasuzzi recused themselves from the application.

Jurisdiction was taken by Article VI General Regulations and Article V (Agricultural and Rural Residential).

**FINDING(S) of FACT**

1. According to current Wallingford Zoning Regulations (2015), the 5 April meeting was beyond the 45 day DRB Hearing requirement as stated on page 11: *Site Development Plan Approval and Procedure: No Zoning Permit shall be issued by the Zoning administrator for any use or structure requiring Conditional Use approval, until the DRB grants Site Development Plan Approval. Application for site plan approval shall be submitted to the DRB by the Zoning administrator and contain the following information: plot plan showing location and dimensions of the lot in question and a description of the proposed*

*development, including a description of any building to be constructed or altered and its intended use. The DRB shall act to approve, or deny, any such site plan within 45 days after the date it receives the proposed plan, and failure to act within such period shall be deemed approval.*

**CONCLUSIONS of LAW**

- 1. The DRB by being beyond the 45 Day Hearing requirement must approve the application.
  - a. Date Zoning Administrator sent: Feb 13, 2023 via email and form of sending the application to the DRB
  - b. Date 45 days from Feb 13, 2023: 30 March 2023
  - c. Date of hearing: 5 April 2023

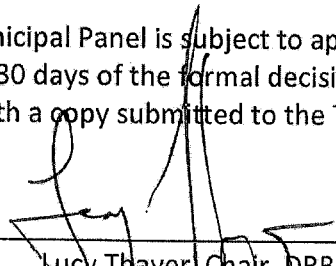
**DECISION and ORDER(S)**

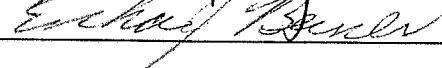
WHEREAS the Wallingford Development Board **APPROVES** this Decision PERMIT #23-06, as follows:

Lucy Thayer: Deny; Jillian Burkett: Approve; David Ballou: Approve;

This Town approval does not release the Applicant from obtaining any other local, state, or federal approval or permit their application may require. Any alteration to the approved application without written prior Town approval, misrepresentation to the facts presented in the application & public testimony, or failure to comply to other VT & federal permits required are grounds to revoke this local permit.

Any Decision by an Appropriate Municipal Panel is subject to appeal by an Interested Party to the VT Environmental Court, within 30 days of the formal decision, as defined in the Town Regulations, and 24 VSA 4471(a), with a copy submitted to the Town, in accordance with the Act.

Approved on behalf of the DRB by , 5/ 1, 2023  
Lucy Thayer, Chair, DRB

Received by Zoning Administrator: , 5/ 1, 2023